

**TOWNSHIP OF ISHPEMING  
MARQUETTE COUNTY, MICHIGAN**

**ORDINANCE NO. 2-96**

**NUISANCE ORDINANCE**

An Ordinance to define, prevent, reduce, or eliminate nuisances, nuisance factors, or causes of nuisance within the Township of Ishpeming, County of Marquette, State of Michigan, thereby providing for the public health and for the safety of persons or property within said Township; to provide for the enforcement hereof; to provide penalties for the violation hereof; and, to repeal all existing Ordinances to conflict herewith.

The Township of Ishpeming Ordains:

**REPEALER AND RESTATEMENT**

The Township of Ishpeming's Nuisance Ordinance, Ordinance No. 2-96, as amended, and any other ordinance, resolution, order, or parts thereof in conflict with the provisions of contained herein are, to the extent of such conflict, hereby repealed, and Ordinance No. 2-96 of the Ishpeming Township, Michigan, shall be, and is, restated to read as follows upon the Effective Date contained in Section 11 herein:

**SECTION 1. TITLE.**

This Ordinance shall be known and may be cited as the "Township of Ishpeming Nuisance Ordinance".

**SECTION 2. PURPOSE.**

Consistent with the letter and spirit of the provisions of MCL 41.181; MSA 5.45(1), which authorizes townships to enact ordinances to provide for the public health and for the safety of persons, property therein, to regulate the construction of buildings for the preservation of public health and safety, and to regulate the conduct of business, it is the purpose of this Ordinance to prevent, reduce or eliminate nuisances, nuisance factors, or causes of nuisance with the Township of Ishpeming, County of Marquette, State of Michigan, thereby providing for the public health and for the safety of persons and property within said Township; to provide for the enforcement of this Ordinance; to provide means by which said nuisance, nuisance factors, or causes of nuisance may be abated; to provide penalties for the violation of this Ordinance; and, to repeal any and all Ordinances, resolutions and orders in conflict herewith.

### **SECTION 3. DEFINITIONS.**

All words and phrases used in this code shall be given their ordinary and common meaning unless defined herein, and all words and phrases, defined or not, shall be interpreted to further the purpose of eliminating or preventing the conditions set forth in this Ordinance. The following words and terms shall mean:

(1) "Garbage" shall mean rejected food waste including waste accumulation of animal, fruit, or vegetable matter used or intended for food or which is involved in the preparation, use, cooking, or storing of meat, fish, fowl, fruit, or vegetable.

(3) "Junk" shall include, but not be limited to, parts of machinery, inoperable appliances, and scrap metal or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

(3) "Nuisance" means anything that is prohibited by any provision in this Ordinance, or that annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, or obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property.

(4) "Rubbish" shall mean non-putrescible solid waste, excluding ashes, consisting of both combustible or noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

### **SECTION 4. NUISANCES PROHIBITED.**

On or after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any nuisance, nuisance factors, or causes of nuisance upon any property in the Township of Ishpeming, which is either owned, leased, rented, occupied, or otherwise under control of any such person, firm, or corporation.

### **SECTION 5. SPECIFIC NUISANCES.**

The following uses, structures, and activities are hereby specifically deemed to be nuisances, nuisance factors, or causes of nuisance and are hereby prohibited by this Ordinance:

(A) Junk, Garbage, or Rubbish. In any zoning district, the storage or accumulation of junk, garbage, or rubbish of any kind, without a landfill construction or operation permit, except for:

(1) The storage or accumulation of domestic garbage, rubbish, or junk in such a manner so as not to create a health or safety hazard; or,

(2) The maintenance for non-commercial purposes of a compost pile in such a manner so as not to create a health or safety hazard.

(B) Damaged or Deteriorated Structures. In any zoning district, the existence of any structure or part of any structure which has any of the following defects or is in any one of the following conditions:

(1) Whenever any portion of such structure has been damaged by fire, wind, flood, or by other cause in such a manner that the structural strength or stability has been adversely affected to the extent that the structure or any part or parts thereof are likely to fall, to become detached, to become dislodged, or to collapse and thereby result in injury or damage to persons or property;

(2) Whenever the structure, or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such structure or portion thereof, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of said structure is likely to fall or give way;

(3) Whenever such structures become vacant, dilapidated, and open at door or window, leaving the interior of said structure exposed to the elements or assessable to entrance by trespassers; and/or

(4) Whenever the structure presents a hazard to the public health, safety or welfare and/or surrounding properties.

(C) Storage of Used Appliances. In any zoning district not explicitly permitted, no person shall permit the open, unsheltered storage of any used, stripped, discarded, or junked appliance, including, but not limited to, a refrigerator, freezer, stove, oven, washer, dryer or opened water heater. The owner or occupant of any premises upon which the open unsheltered storage of an appliance is made, and the owner or lessee of any appliance involved, shall have the responsibility to promptly remove such appliance into a completely enclosed building or premises authorized for such storage purposes. However, any person may set out an appliance for collection and disposal within the twenty-four-hour period following the time it is to be set out, provided that any refrigerator, freezer or other appliance which has a snap lock or magnetic door, or other similar closure device has had such door or device removed or otherwise made inoperable.

(D) Noise. In order to preserve and protect the public peace, health and safety, no person shall make, continue or cause to be made or continue any unreasonable noise or any noise, which unreasonably annoys or disturbs, does injury to, or endangers the comfort, repose, health, peace, or safety of others within the Township. Each of the following acts, unless excepted for herein, is hereby declared to

be unreasonable and is prohibited, but this enumeration shall not be deemed to be exclusive:

(1) **Horns and Signals.** The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) **Electronic Devices and Musical Instruments.** The playing of any electronic device such as a television set, radio, stereo, or other electronic sound reproducing or sound amplifying device, or any combination thereof, whether such device is fixed or portable, or any musical instrument whether amplified or not, with such volume that is louder than necessary for the convenient hearing of the person or persons who are in the room, building, chamber or area in which such machine, device or instrument is being operated or played and who are voluntary listeners. The operation of such machine, device or instrument in such a manner as to be plainly audible at a distance of twenty-five feet between the hours of 11:00 P.M. and 7:00 A.M. of the following day, or fifty feet between the hours of 7:00 A.M. and 11:00 P.M., in any area, whether inside or outside of the dwelling, building or vehicle in which it is located, shall be prima-facie evidence of a violation of this Ordinance.

(3) **Shouting and Whistling.** Yelling, shouting, hooting, whistling or singing or the making of any loud noise on the public streets between the hours of 11:00 P.M. and 7:00 A.M. of the following day, or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(4) **Hawking.** The hawking of goods, merchandise or newspapers in a loud and boisterous manner.

(5) **Animal and Bird Noises.** The keeping of any animal or bird which, by causing frequent or long continued noise, disturbs the comfort or repose of any person in the neighborhood. (*see also* Ishpeming Township Animal Control Ordinance No. 6, as amended.)

(6) **Whistles and Sirens.** The blowing of any whistle or siren, except to give notice of the time, or begin or stop work or as a warning of fire or danger.

(7) **Engine Exhaust.** The discharge into the open air the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(8) Construction Noise. The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets and highways other than between the hours of 7:00 A.M. and 9:00 P.M., unless a permit is first obtained from the Department of Public Works.

(9) Handling merchandise. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) Devices to Attract Attention. The use of any flashing lights, drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.

(11) Motor Vehicle Sound System. The operation of or permitting the operation of an electronically amplified sound system in or about a parked or moving vehicle, motorcycle, or moped, so as to produce sound that is plainly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 A.M. and 10:00 P.M. or plainly audible at a distance of twenty-five (25) feet from the vehicle between the hours of 10:00 P.M. and 7:00 A.M. of the following day.

(12) Exceptions. None of the provisions listed above shall apply to or be enforced against:

(a) Emergency Vehicles. Any police or fire vehicle of the Township, ambulance or other first responder while engaged in necessary public emergency business.

(b) Highway Maintenance and Construction. Necessary excavations or repairs of bridges, streets, or highways by or on behalf of the Township or the State of Michigan during the night, when public safety, welfare and convenience render it impossible to perform such work during the day.

(c) Public Address. The reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(d) Christmas music and chimes by permit. The use of stationary amplifiers or loudspeakers by any person for the transmission of Christmas music and chimes when authorized by a permit issued upon the authority of the Township Board; all permits so issued shall specify the hours and dates upon which the use of any amplifier or loudspeaker is authorized, and the use thereof shall be limited to the times specified in the permit.

(e) Permitted Amplifiers. The use of amplifiers primarily for the transmission of music when a permit has been granted by authority of the Township Board on a finding that such transmission contributes to the amenities of the commercial area in which it originates and is not audible in any residential area.

(f) **School Events.** The use of musical instruments or other sounds associated with an authorized school activity.

(g) **Special Events.** A special event which requested and received a waiver of the distances for prima facie evidence of violation from the Enforcement Officer, the Police Chief or his or her designee, and does not produce unreasonable noise.

(E) **Television, Radio, and Wi-Fi Interference.** No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus or instrument of any kind between the hours of 6:00 P.M. and 12:00 midnight, which causes or induces preventable electrical interference with television, radio or Wi-Fi reception within the Township of Ishpeming. However, x-ray apparatus may be used for medical purposes or treatment if the apparatus used is not negligently operated and is properly equipped to eliminate or avoid all unnecessary or reasonably preventable interference with a radio reception.

(F) **Smoke.** No person shall burn leaves, or operate any stove, furnace, boiler, combustion apparatus of any kind, nor shall a person permit the burning of leaves, nor shall a person owning any stove, furnace, boiler, or combustion apparatus of any kind, permit the same to be operated in a manner to emit dense smoke and/or the ingredients thereof. However, the emission of dense smoke and/or the ingredients thereof for a period of twenty (20) minutes in any hour, once in every twenty-four (24) hours, when a new fire is being kindled, shall not constitute a violation of this Ordinance. Furthermore, the emission of dense smoke and/or the ingredients thereof for a period aggregating eight (8) minutes in any one hour and not exceeding two (2) minutes of continuous emission shall not be deemed a violation of this Ordinance. All open fires must be attended to at all times. The burning of garbage or rubbish is prohibited.

(G) **Vegetation.** No person shall knowingly or wantonly maintain any property or premises with noxious or poisonous weeds, an unmaintained lawn/grass in excess of eight inches, or a property or premises with dead trees, branches, shrubs, leaves, or other organic matter that present a fire danger or other health or safety hazard.

## **SECTION 6. ABATEMENT.**

Where no other procedure is made specifically applicable by another provision of this Ordinance, any structure, condition, or activity prohibited by this Ordinance may be abated by the Enforcement Officer, the Police Chief or his or her authorized representative in accordance with the following procedure: The Enforcement Officer, authorized representative or Police Chief shall first investigate the existence of the alleged nuisance to determine whether or not a nuisance, as defined above exists and to further determine the person who has created or is committing or maintaining such nuisance. They shall then give notice to the person responsible for the creation, commission, or maintenance of such nuisance, specifying in particular the nature

thereof, the corrective action to be taken to abate the same and the time limit for abatement of such nuisance, which shall be a reasonable time, but not to exceed fourteen (14) days from the time the notice is served. Such notice shall be served in accordance with Township Policy, but shall at a minimum include notice in writing to the person(s)/entity(s) believed to be responsible. One extension of up to thirty (30) days may be granted by the Enforcement Officer, where, in his/her opinion, bona fide efforts to abate the nuisance are in progress. If at the expiration of the time limit in such notice, or any extension, the person(s)/entity(s) responsible for the commission, creation or maintenance of the nuisance has not complied with the requirements thereof, the Enforcement Officer, authorized representative or Police Chief shall carry out the requirements of the notice, and assess any costs and/or penalties associated with maintaining and/or abating the nuisance as detailed herein.

Any action taken by the Township of Ishpeming to abate a nuisance shall not affect the right of the Township of Ishpeming to institute proceedings against the person(s)/entity(s) committing, creating or maintaining the nuisance in violation of this Ordinance, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the Township of Ishpeming to any court of competent jurisdiction, the court may order the nuisance to be abated and/or the violation or threatened violation to be restrained and enjoined.

#### **SECTION 7. EMERGENCY ABATEMENT OF NUISANCES.**

The Township Supervisor may take immediate reasonable measures to abate any nuisance, nuisance factor, or cause of nuisance, without the prior approval or order of the Township Board, if, in the opinion of the Township Supervisor, the public health, safety or welfare requires immediate action. The cost of such emergency abatement measures shall be charged as lien against the property and the owner thereof in accordance with the provisions of Section 8 of this Ordinance.

#### **SECTION 8. COST OF ABATEMENT.**

(A) Expenses and Costs. Any and all expenses incurred by the Township for abating a nuisance, nuisance factor, or cause of nuisance, pursuant to the provisions of this Ordinance, shall be chargeable against the property upon which such nuisance, nuisance factors, or causes of nuisance were located, and the owner thereof. An account of the labor, materials or services for which such expenses and services were incurred, and the name of the owner of such property shall be reported to the Township Treasurer, who shall immediately charge and bill such owner. Such a bill shall be sent by First-Class mail to any owner of the property shown on the tax rolls of the Township.

(B) Special Assessments. The bill referenced in Section 8(A) shall also notify the owner of such property of the date of a meeting of the Township Board, not less than sixty (60) days thereafter, when said Township Board shall meet for the purposes of adopting a resolution placing a special assessment upon said property for such charges, unless such charges are paid prior to the date of such meeting. At such

meeting, the Township Board shall adopt a special assessment resolution covering each parcel of land for which such charges have not therefore been paid in full. As many parcels may be included in a single resolution as may be necessary. The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by the Township Board, and the Township Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

(C) Attachment as a Lien. Each special assessment confirmed pursuant to the provisions of this Ordinance shall, from the date of such confirmation, constitute a lien upon the property so assessed, and until paid, shall be a charge against the owner of the property. Such lien shall be of the same character and effect as a lien created for taxes, and shall include accrued interest and penalties.

(D) Collection by Court Action. In addition to any other remedies and without impairing the lien therefore, any assessment levied pursuant to the provisions of this Ordinance, together with interest and penalties thereon, may be collected in an action commenced in the name of the Township of Ishpeming against the person or persons assessed in any court having jurisdiction in such matters. If, in any such action, it shall appear by reason of any irregularities or informalities the assessment has not been properly made against the person(s)/entity(s) assessed, or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that such expenses have been incurred by the Township, render judgment for the amount properly chargeable against such person(s)/entity(s), or upon such property.

(E) Disposition of Funds Collected. Except as otherwise provided by any Ordinance, funds collected by court action or by special assessment levied pursuant to the provisions of this Ordinance shall be credited to such funds of the Township of Ishpeming as were debited to pay for the costs of the abatement for which such assessment was levied.

## **SECTION 9. PENALTIES FOR VIOLATIONS.**

(A) Enforcement. Unless otherwise provided for herein, this Ordinance shall be enforced by such persons as may be so designated by the Township Board.

(B) Violation(s). Allowing a nuisance, nuisance factor, or cause of nuisance to exist on a property after the deadline for abatement specified in the written notice required in Section 6 above shall constitute a violation of this Ordinance.

(C) Party in Interest. For purposes of this Section, the owner of any property upon which any nuisance, nuisance factor or causes of nuisance are found shall be deemed to be the person(s) or entity(s) identified as any such owner on the tax roll of the Township of Ishpeming, and where there may be more than one such owner, notice to any one owner shall be deemed to be notice to all such owners.



(D) Penalty. Each day or fraction thereof that such violation of this Ordinance continues after the deadline for abatement specified in the notice shall be a separate civil infraction, each of which shall be punishable upon a finding of responsibility by a civil infraction not to exceed Five Hundred Dollars (\$500.00), plus court costs.

(E) Additional Relief. Any violation of this Ordinance is declared to be a public nuisance per se, and in addition to the penalties specified here for such violation, the Township of Ishpeming may seek to enforce compliance with the terms and provision of this Ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

**SECTION 10. SEVERABILITY.**

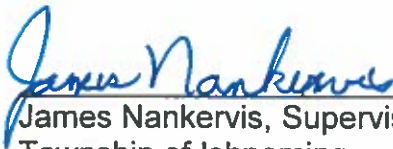
The several sections of this Ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan, and therefore void, by any court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part of section so declared to be unconstitutional or invalid.

**SECTION 11. EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days from the date of publication. Ishpeming Township Summary was published on July 19, 2023, in the Mining Journal. Effective Date is August 18, 2023.

---

Adopted by the Township Board of the Township of Ishpeming on the 11th day of July, 2023.

  
James Nankervis, Supervisor  
Township of Ishpeming

Attest:

  
Aaron Yunker, Clerk  
Township of Ishpeming